

Recollections of Early Territorial Days

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RECOLLECTIONS OF EARLY TERRITORIAL DAYS.

BY THE HON. ALFRED HEBARD.

The desire to possess land in the habitable parts of our globe has been a primal instinct with mankind ever since Adam was locked out of Eden. And why not? If, according to Scriptural record, man derives his being from the "dust of the earth," and his support from the earth while that being lasts, and finally returns to the earth when that being ends, it is natural that "mother earth" should be an object of no common interest. That instinct has grown with the progress of time till it has become largely a dominant passion, especially among those classes whom we denominate "rural," and who derive their support more directly from the cultivation of the soil. Unfortunately, multitudes have always thronged the larger cities of the world who never realize any such inspiring impulse. They can see no beauty in a native forest; no charm in a running stream; no value in a fertile field. Largely dependent, they add their numbers, but little or nothing of value to the welfare of the community. Of a very different type were the settlers who took possession of south-eastern Iowa previous to the first land sale. We were all "squatters," an inelegant phrase, perhaps, and with some suggestive of rude lawlessness, but there was nothing of the kind. Rightly understood, it had a commendable significance—nothing else than a reasonable assertion of an inalienable right. The wealth that lay buried in the fertile soil was attainable by effort that cost "the sweat of the brow;" the condition imposed upon Adam and his descendants by the

Creator himself. Had not the man who complies with that condition the first right? Adam was a "squatter"—the first one, of course. Governed by the same necessities that control men at the present day, he went forth on the plains of Shinar and staked out his claim, where he and his family subdued the earth with a success that called forth grateful offerings to God. They doubtless had a hard time, worked unlimited hours, and with rude implements. No straddle-row cultivators, or self-binding reapers, relieved the rigor of their labors. Our early "squatters" had more facilities it is true, but the earth was just as obstinate; the storm as severe; the exposure as trying; the necessities as demanding, as in Adam's time. There is no one who began pioneer life as far back as 1836 and a few years following, who cannot recall something besides pleasurable experiences in those early, formative days. And who can say that the men who struggled through those trials had not a primary right to legal title when Government was ready to convey the same, without paying tribute to outside parties whose only object was pecuniary speculation? There was, in fact, an irresistible determination on this point, based upon a conviction of what was right.

Before reciting the various methods adopted to secure the legal title to their lands, it is proper to state that our early settlers were possessed of commendable traits of character to a degree not always found in pioneer classes. Courageous and energetic, they were no land-grabbers—each for himself to the exclusion of all others. On the contrary, they recognized the right of good neighborhood, and were mutually helpful. Every movement in favor of education and moral improvement met with immediate favor. The budding twig of social and economic life was early bent in the right direction, to give value to the tree in the years of its aftergrowth. Our population was heterogeneous, of course, and all were not model char-

acters. Some few, like their great prototype, preferred "going to and fro in the earth, and walking up and down in it," not in love with the hoe and the plow. They busied themselves "jumping claims" and dispossessing others for slight irregularities. Our first settlers were a decidedly industrious community. They began in earnest, and at once, to develop the country and secure for themselves a livelihood and comfortable homes. They had no patience with troublesome men or troublesome questions, and a strong, latent undertone of sympathetic feeling developed a method of handling both. The rules and regulations adopted to govern our actions were denominated "Club Law." A misnomer, perhaps, but still suggestive of primitive remedies in cases of necessity.

Every man was allowed to file a claim of 160 acres—no more—on any unoccupied land. To hold his claim he must commence improvements and continue to enlarge the same within stated limited periods, by building, fencing or ploughing, in order to show his good faith. Boundaries might be adjusted, and claims sometimes enlarged by purchase. But large holdings were generally discouraged. Lands were eagerly sought. Claimants were ransacking every corner, to make judicious selections, and it would be unreasonable to suppose there would be no collisions, no disturbing questions. But the regulations of our "Club Law" early made provisions for their settlement. A committee of three—sometimes called Judges of Club Law—was appointed by common consent to take cognizance of such matters, and more especially questions relative to claim property. In cases of disputes or disagreement, this committee—on application—appointed a day and place of hearing, generally in the open air and on the land in question. The parties appeared. The plaintiff presented his case, introduced his witnesses, and said all he wished to say without let or hindrance, or interruption. When the plaintiff was

through the defendant had the same privilege. If the plaintiff had lied, the defendant was at liberty to outrank him with a bigger lie, if he could. The standing committee, or a jury especially appointed, then retired, weighed the case, and returned their verdict, which was *final*, and without appeal. A common interest enforced these decisions without trouble. No professional lawyers were allowed, and no expense incurred, except the time spent at the trial. Final settlement at the outset was important to all, so that mere disagreements or differences of opinion should not be permitted to grow into prolonged bitter quarrels. Our code was very simple, but effectual within its limit to a single class of questions. It required no legal lore. Hence, we waited on no legal statutory enactments, no judicial decisions, no legal precedents, but obeyed the instincts of common sense, common interest, and above all of an imperative necessity. For it was important that every jar of discord should be eliminated, so that on the day of sale a solid, harmonious front could be presented in defence of our rights. For we knew that *greed* would be there ready to swallow everything of value with an omnivorous grab, unless restrained by the fear of something more powerful than "moral suasion."

The first land sale at Burlington, I suppose, was characteristic of those held elsewhere, though I have no personal knowledge of any other. A few now remember, and more never knew, the incidents of this sale. I have thought it would not be amiss if I should from memory, leave a statement of the mode of procedure so effectual in securing the then paramount object of interest with all. As the time of the sale approached, anxiety became somewhat intense. The "bird was yet in the bush and not in the hand." Maps of townships advertised were prepared, distinct, and of large size. On each legal subdivision of the various sections the name of the man who held a recognized claim to it was distinctly written. One man

was appointed to bid for each township, no one else to utter a word, but all were to attend as a kind of body-guard to see that everything went off right. On the day of sale, by the courtesy of the Register, (General A. C. Dodge), the township bidder was allowed to take his place, map in hand, by the side of the auctioneer. As the first tract was cried the bidder responded, "\$1.25," the government minimum. The auctioneer glanced at the crowd and quietly said, "sold!" The name of the purchaser was given from the map, and the clerks made the record. The same proceeding followed with each succeeding tract, until the township was finished, following sections in numerical order. Not a loud word had been spoken except by auctioneer and bidder. Had Goliath or Samson undertaken any interference by an over-bid, there would have been an experience that would have been a high price for life, if that even had been spared. This being distinctly understood, no one was rash enough to risk the consequences. No threats were made, but when these beautiful lands were passing from savage to civilized man, there was a latent purpose that every needy, industrious person, who complied with the rules, should have an opportunity for an allotment whereon to live and dwell, without intervention from any source, except the conditions the Creator had imposed and the rules and regulations of the Government. The sale passed off quietly according to program, and most of the more desirable lands were secured to actual cultivators in small quantities but sufficient for family needs. This first sale, important as it was, to those immediately interested, had also its influence in some degree toward that general division of the lands of our State among actual cultivators, which is her fortunate condition to-day. No man within her borders is virtually a king of a county as is the case elsewhere. There are no large cities, no over-grown estates, but thousands of independent, comfortable homes. Her resources

are thus developed, her productions increased, and a *wealth* of *patriotism* abounds, caused by, and identified with, the multiplied thousands of individual landed interests. After the auction sale the next step needed no mutual protection. It was an individual operation, and concerned no one but the purchaser. It was simply to call at the office of the Receiver, (then filled by General Verplanck Van Antwerp), pay over the price of the purchase, and take his certificate and receipt. On this Government would in due time issue a patent conveying title. For the performance of this second act in the land drama, some were prepared and some were not. But parties were on hand with a plethora of specie—to loan, generally at a rate of about one hundred per cent. for a year—and many a man went home with a Title Bond of Doctor Barrett or some other party in his pocket in place of his certificate of purchase. The land was valuable, however, and his bargain was a good one even at some sacrifice, and many families in Des Moines and adjacent counties at this day holding them, are in a condition of financial independence.

Aside from the common entry, such was the mode of acquiring title to a large amount of land. But not all vast amounts have been conveyed by beneficiaries of the State, to whom large grants had been made at an early day for various purposes. These grants, though wisely intended, did not always meet expectations. The Des Moines River Grant, the most valuable of all, failed utterly of accomplishing its end. And the river, to-day, unchecked by slack-water dams, runs as freely as it did before the grant was made. Not so with the lands. They have been more or less tangled with vexation from beginning to end. Provisions for educational purposes, owing to an early lack of experience, perhaps, were not made available to to their full extent. Hence, an additional burden to-day upon the Treasury of the State. The large amount of

aid to railroads no one regrets. They are as needful as the air we breathe or the soil we cultivate. But it is questionable whether they should ever have been allowed to tax the settler five to fifteen times the government price for his land. When a man binds himself to pay from one to two thousand dollars for an eighty acre lot, and then faces the unavoidable expense of improving and building—added to current family necessities—he has before him a very steep mountain to climb. No mistake about this, for experience has told us so. On account of the growth and prosperity of our State, some of us at times have been led to indulge in a little unseemly boasting—as though wisdom only had marked the doings of our early days. Although a pioneer of the pioneers, I am frank to say, that I think we have prospered fairly well in spite of some questionable, if not bad, management. But I am not disposed to criticise at this late day. I would rather charge all to early *inexperience*—only hinting to any one inclined to be a little loud in asserting personal merit, that modesty is a very shining jewel, capable of adorning any condition in life.

In the early days towns grew apace with the settlement of the country—juvenile Blackstones and embryo statesmen, as a class, preponderating. So much so in Burlington, that some were obliged to withdraw on account of a plethoric abundance. Among them the afterward distinguished J. C. Breckenridge, of Kentucky. The times rationally speaking, were intensely partisan. They were the days of Andrew Jackson, Martin Van Buren, and Thomas H. Benton—all radical in their political views. The latter was called “Old Bullion,” on account of his violent speeches in favor of “Hard Money,” and against “Bank Rags.” Our settlers, however, were more interested in improving their claims than they were in national politics and would have lapsed into a state of partial neutrality if left to themselves. Not so with the aspirants

of our villages. Some were young, and some were not so young. They had been unsuccessful, and wished to try new fields. The older citizens of Keokuk can easily recall the name of one who in due season imported himself into that town as a leading point of influence, and was nearly successful in gaining a seat in the United States Senate. All these aspirants were earnest advocates of an early State government and were impatient of territorial days. Night mare visions of possibilities under a changed condition of things seemed to haunt the brain of not a few. As the time of statehood finally approached, public rumor affirmed that sixty different parties, "dark horses" and all, were willing to forego prospective fortunes in their various callings to serve the new State in the more honorable wing of the Capitol at Washington. Strange to say, State offices went comparatively begging: The office of Governor even had minor attractions. Why it was thrust upon the first incumbent I never could surmise. Governor Briggs was a kindly, inoffensive, certainly *unambitious* man. A boat on the Mississippi carried its name on the wheel-house, "Gov. Briggs," a former somewhat distinguished chief magistrate of Massachusetts. It may have suggested the man for us, and a better man by far than any tricky, scheming politician. I recall no incident connected with his administration except one, worthy of record, for which we are all alike responsible. After the First General Assembly was organized at Iowa City, a new condition of things confronted us. Heretofore, in territorial times, Uncle Sam had paid our bills, besides three dollars a day for services. Now we had asserted our independence and were trying to walk alone—a difficult job with a barren treasury. We were in the condition of the man on a sinking ship who asked his fellow if "he could pray?" assuring him that "something must be done, and that very *quick*." So, waiving all other business, we sent for the Hon. W. F. Coolbaugh of Burling-

ton, to act as our agent, in borrowing seventy-five thousand dollars to set the wheels of Government in motion and keep them so for a session at least. Mr. Coolbaugh acted promptly and successfully. A debt is always embarrassing, and a lien upon future resources. In this case it was unavoidable. Our first obstacle being removed, we were now at liberty to apply ourselves to our new line of duty, which was little else than borrowing the laws of older States and shaping their various features to our new condition. In closing this little sketch, I wish to add that Governor Briggs though untrained by official experience, served his term creditably and in a manner entirely consistent with his honest character. Of our Statehood I defer any remark further than this single reference to the initial step of her existence.

The monument of General Corse, which Burlington will erect in the new park, it is hoped, will mark the beginning of a new era during which the environs of the city are to be embellished and spiritualized. * * * The Corse statue may be taken to be initiative of the real work of embellishment Burlington has now taken in hand, and to urge on with activity and good taste. This work will be, too, of wide scope, embracing art, learning and comfort in all their forms. The community will set its determination to have libraries, art galleries, public statues and fountains, a chain of parks quite around the town site, and easy means of communication from each to each. These progressions are all now as immediate and pressing as prairie-breaking and territory organizing were to the generation that last passed.—*Evening Post, Burlington, Iowa, June 29, 1895.*

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